

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

— — —

IN RE: AUTOMOTIVE WIRE HARNESS
SYSTEMS ANTITRUST

Case No. 12-md-02311

MDL NO. 2311

/

STATUS CONFERENCE

BEFORE THE HONORABLE MARIANNE O. BATTANI
United States District Judge
Theodore Levin United States Courthouse
231 West Lafayette Boulevard
Detroit, Michigan 48226
Wednesday, March 22, 2017

APPEARANCES:

Direct Purchaser Plaintiffs:

THOMAS C. BRIGHT
GOLD, BENNET, CERA & SIDENER, L.L.P.
595 Market Street, Suite 2300
San Francisco, CA 94105
(415) 777-2230

WILLIAM G. CALDES
SPECTOR, ROSEMAN, KODROFF & WILLIS, P.C.
1818 Market Street, Suite 2500
Philadelphia, PA 19103
(215) 496-0300

MANUEL J. DOMINGUEZ
Cohen Milstein
3507 Kyoto Gardens Drive, Suite 200
Palm Beach Gardens, FL 33410
(561) 578-6850

DAVID H. FINK
FINK & ASSOCIATES LAW
100 West Long Lake Road, Suite 111
Bloomfield Hills, MI 48304
(248) 971-2500

1 APPEARANCES: (Continued)

2 Direct Purchaser Plaintiffs (Continued):

3 NATHAN FINK
4 FINK & ASSOCIATES LAW
5 100 West Long Lake Road, Suite 111
6 Bloomfield Hills, MI 48304
7 (248) 971-2500

8 GREGORY P. HANSEL
9 PRETI, FLAHERTY, BELIVEAU & PACHIOS, L.L.P.
10 One City Center
11 Portland, ME 04112
12 (207) 791-3000

13 STEVEN A. KANNER
14 FREED, KANNER, LONDON & MILLEN, L.L.C.
15 2201 Waukegan Road, Suite 130
16 Bannockburn, IL 60015
17 (224) 632-4502

18 JOSEPH C. KOHN
19 KOHN, SWIFT & GRAF, P.C.
20 One South Broad Street, Suite 2100
21 Philadelphia, PA 19107
22 (215) 238-1700

23 AUBREY H. TOBIN
24 AUBREY H. TOBIN ATTORNEY AT LAW, P.C.
25 2140 Walnut Lake Rd
West Bloomfield Township, MI 48323
(248) 932-3070

1 APPEARANCES: (Continued)

2 End-Payor Plaintiffs:

3 E. LINSDAY CALKINS
4 SUSMAN GODFREY, L.L.P.
5 1201 Third Avenue
6 Suite 3800
7 Seattle, WA 98101
8 (206) 505-3841

9 JOYCE CHANG
10 COTCHETT, PITRE & MCCARTHY, L.L.P.
11 840 Malcolm Road
12 Burlingame, CA 94010
13 (650) 697-6000

14 MARIELL R. LEHMAN
15 THE MILLER LAW FIRM, P.C.
16 950 West University Drive
17 Suite 300
18 Rochester, MI 48307
19 (248) 841-2200

20 OMAR OCHOA
21 SUSMAN GODFREY, L.L.P.
22 1000 Louisiana
23 Suite 5100
24 Houston, TX 77002
25 (713) 651-9366

WILLIAM V. REISS
ROBINS, KAPLAN, MILLER & CIRESI, L.L.P.
601 Lexington Avenue, Suite 3400
New York, NY 10022
(212) 980-7405

ELIZABETH T. TRAN
COTCHETT, PITRE & MCCARTHY, L.L.P.
840 Malcolm Road
Burlingame, CA 94010
(650) 697-6000

STEVEN N. WILLIAMS
COTCHETT, PITRE & MCCARTHY, L.L.P.
840 Malcolm Road
Burlingame, CA 94010
(650) 697-6000

1 APPEARANCES: (Continued)

2 Dealership Plaintiffs:

3 DON BARRETT
4 BARRETT LAW OFFICES
5 P.O. Drawer 927
6 Lexington, MS 39095
7 (601) 834-2376

8 ALEXANDER E. BLUM
9 MANTESE, HONIGMAN, ROSSMAN & WILLIAMSON, P.C.
10 1361 East Big Beaver Road
11 Troy, MI 48083
12 (248) 457-9200

13 KATHRYN ERSENSTEIN
14 MANTESE, HONIGMAN, ROSSMAN & WILLIAMSON, P.C.
15 1361 Big Beaver Road
16 Troy, Michigan 48083
17 (248) 457-9200

18 EVELYN LI
19 CUNEO, GILBERT & LaDUCA, L.L.P.
20 507 C Street NE
21 Washington, D.C. 20002
22 (202) 789-3960

23 SEAN P. McCONNELL
24 DUANE MORRIS, L.L.P.
25 30 South 17th Street
Philadelphia, PA 19103
(215) 979-1342

J. MANLY PARKS
DUANE MORRIS, L.L.P.
30 South 17th Street
Philadelphia, PA 19103
(215) 979-1342

VICTORIA ROMANENKO
CUNEO, GILBERT & LaDUCA, L.L.P.
507 C Street NE
Washington, D.C. 20002
(202) 789-3960

1 APPEARANCES: (Continued)

2 For the Defendants:

3 JEFFREY J. AMATO
4 WINSTON & STRAWN, L.L.P.
5 200 Park Avenue
New York, NY 10166
(212) 294-4685

6 KRISTA ANDERSON
7 WILLIAMS & CONNOLLY, L.L.P.
8 725 Twelfth Street NW
Washington, D.C. 2005
(202) 434-5648

9 DAN V. ARTAEV
10 THE MIKE COX LAW FIRM, P.L.L.C.
11 17430 Laurel Park Drive North, Suite 120E
Livonia, MI 48152
(734) 591-4002

12 ALDEN L. ATKINS
13 VINSON & ELKINS, L.L.P.
2200 Pennsylvania Avenue NW, Suite 500 West
Washington, D.C. 20037
14 (202) 639-6613

15 ADYA BAKER
16 PILLSBURY, WINTHROP SHAW PITTMAN
1200 Seventeenth St. NW
Washington, D.C. 20036
17 (202) 663-8230

18 DONALD M. BARNES
19 PORTER, WRIGHT, MORRIS & ARTHUR, L.L.P.
1919 Pennsylvania Avenue, NW, Suite 500
Washington, DC 20006
20 (202) 778-3056

21 MATT BOUCHER
22 ALLEN & OVERY, L.L.P.
1221 Avenue of the Americas
New York, NY 10020
23 (212) 610-6360

24

25

1 APPEARANCES: (Continued)

2 For the Defendants (Continued):

3 HEIDI BROOKS BRADLEY

4 LANE POWELL

5 1420 Fifth Avenue

6 Suite 4200

7 P.O. Box 91302

8 Seattle, WA 98111

9 (206) 223-7979

10 JEREMY CALSYN

11 CLEARY, GOTTLIEB, STEEN & HAMILTON, L.L.P.

12 2000 Pennsylvania Avenue NW

13 Washington, D.C. 20006

14 (202) 974-1500

15 STEVEN F. CHERRY

16 WILMER HALE

17 1875 Pennsylvania Avenue NW

18 Washington, D.C. 20006

19 (202) 663-6321

20 MOLLY CRABTREE

21 PORTER, WRIGHT, MORRIS & ARTHUR

22 41 South High Street, Suite 2900

23 Columbus, OH 43215

24 (614) 227-2015

25 DEBRA H. DERMODY

REED SMITH, L.L.P.

225 Fifth Avenue, Suite 1200

Pittsburgh, PA 15222

(412) 288-3302

MICHAEL R. DEZSI

DETTMER & DEZSI, P.L.L.C.

615 Griswold Street, Suite 1600

Detroit, Michigan 48226

(313) 879-1206

CAROLINE DYE

BAKER BOTTS

1299 Pennsylvania Ave., NW

Washington, D.C. 20004

(202) 639-13305

1 APPEARANCES: (Continued)

2 For the Defendants (Continued):

3 MICHAEL FELDBERG
4 ALLEN & OVERY, L.L.P.
5 1221 Avenue of the Americas
New York, NY 10020
(212) 610-6360

6 DANIEL T. FENSKE
7 JENNER & BLOCK
353 N. Clark Street
Chicago, IL 60654-3456
(312) 222-9350

9 MATTHEW FORNSHELL
10 ICE MILLER
600 Superior Avenue East
Suite 1701
11 Cleveland, OH 44114
(614) 462-2335

12 LARRY S. GANGNES
13 LANE POWELL, P.C.
14 1420 Fifth Avenue, Suite 4100
Seattle, Washington 98101
(206) 223-7000

15 ADAM C. HEMLOCK
16 WEIL, GOTSHAL & MANGES, L.L.P.
767 Fifth Avenue
17 New York, NY 10153
(212) 310-8281

18 FRED K. HERRMANN
19 KERR, RUSSELL & WEBER, P.L.C.
500 Woodward Avenue, Suite 2500
20 Detroit, MI 48226
(313) 961-0200

21 ELLEN MAXWELL-HOFFMAN
22 BOWLES RICE
600 Quarrier Street
23 Charleston, WV 25325
(304) 343-2867

24

25

1 APPEARANCES: Continued

2 For the Defendants (Continued):

3 COURTNEY A. HOFFMAN
4 Sidley Austin
5 One South Dearborn
Chicago, IL 60603
(312) 853-7669

6 HEATHER LAMBERG KAFELE
7 SHEARMAN & STERLING, L.L.P.
8 801 Pennsylvania Avenue, NW
Washington, D.C. 20004
(202) 508-8097

9 JEFFREY L. KESSLER
10 WINSTON & STRAWN, L.L.P.
200 Park Avenue
New York, NY 10166
11 (212) 294-4655

12 SHELDON H. KLEIN
13 BUTZEL LONG, P.C.
41000 Woodward Avenue
Bloomfield Hills, MI 48304
14 (248) 258-1414

15 FRANK LISS
16 ARNOLD & PORTER, L.L.P.
555 Twelfth Street NW
Washington, D.C. 20004
17 (202) 942-5969

18 MICHELLE A. MANTINE
19 REED SMITH, L.L.P.
225 Fifth Avenue, Suite 1200
Pittsburgh, PA 15222
20 (412) 288-4268

21 ALLYSON M. MALTAS
22 LATHAM & WATKINS, L.L.P.
555 Eleventh Street NW, Suite 1000
Washington, D.C. 20004
23 (202) 637-2200

24

25

1 APPEARANCES: (Continued)

2 For the Defendants (Continued):

3 RONALD M. McMILLAN
4 CALFEE, HALTER & GRISWOLD, L.L.P.
5 1405 East Sixth Street
6 Cleveland, OH 44114
7 (216) 622-8621

8 STEFAN M. MEISNER
9 McDERMOTT WILL & EMERY
10 500 North Capitol Street, NW
11 Washington, D.C. 20001
12 (202) 756-8000

13 RONALD NIXON
14 KEMP KLEIN LAW FIRM
15 201 West Big Beaver Road, Suite 600
16 Troy, MI 48084
17 (248) 528-1111

18 J. DAVID ROWE
19 DUBOIS, BRYANT & CAMPBELL
20 303 Colorado, Suite 2300
21 Austin, TX 78701
22 (512) 457-8000

23 KAJETAN ROZGA
24 WEIL, GOTSHAL & MANGES L.L.P.
25 767 Fifth Ave, STE. 3360
New York, NY 10153
(212) 310-8518

MICHAEL RUBIN
ARNOLD & PORTER, L.L.P.
601 Massachusetts Ave., NW
Washington, D.C. 20001
(202) 942-5000

LARRY J. SAYLOR
MILLER, CANFIELD, PADDOCK & STONE, P.L.C.
150 West Jefferson Avenue, Suite 2500
Detroit, MI 48226
(313) 496-7986

1 APPEARANCES: Continued

2 For the Defendants (Continued):

3 SCOTT T. SEABOLT
4 SEABOLT LAW FIRM
5 17199 N. Laurel Park Drive, Suite 215
6 Livonia, MI 48152
7 (248) 717-1302

8 CRAIG SEEBALD
9 VINSON & ELKINS, L.L.P.
10 Pennsylvania Avenue NW, Suite 500 West
11 Washington, D.C. 20037
12 (202) 639-6585

13 STEPHEN J. SQUERI
14 JONES DAY
15 901 Lakeside Avenue
16 Cleveland, OH 44114
17 (216) 586-3939

18 ANITA STORK
19 COVINGTON & BURLING, L.L.P.
20 One Front Street
21 San Francisco, CA 94111
22 (415) 591-7050

23 JOANNE GEHA SWANSON
24 KERR, RUSSELL & WEBER, P.L.C.
25 500 Woodward Avenue, Suite 2500
Detroit, MI 48226
(313) 961-0200

JOHN TANSKI
AXINN, VELTROP & HARKRIDER
950 F Street, NW
Washington, D.C. 20004
(202) 912-4700

MICHAEL F. TUBACH
O'MELVENY & MYERS, L.L.P.
Two Embarcadero Center, 28th Floor
San Francisco, CA 94111
(415) 984-8700

1 APPEARANCES: (Continued)

2 For the Defendants (Continued):

3 LINDSEY ROBINSON VAALA
4 VINSON & ELKINS, L.L.P.
5 2200 Pennsylvania Avenue NW, Suite 500 West
Washington, D.C. 20037
(202) 639-6585

6 A. PAUL VICTOR
7 WINSTON & STRAWN, L.L.P.
8 200 Park Avenue
New York, NY 10166
(212) 294-4655

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 APPEARANCES: (Continued)

2 Non-Party Original Equipment Manufacturers:

3 ELLIOT H. SCHERKER
4 GREENBERG TRAURIG, L.L.P
5 3333 Piedmont Road NE, 25th Floor
Atlanta, GA 30305
(678) 553-2100

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

TABLE OF CONTENTS

Page

STATUS CONFERENCE.....14

1 Detroit, Michigan

2 Wednesday, March 22, 2017

3 — — —

4 (Proceedings commenced at 10:06 a.m., all parties
5 present)

6 THE COURT: Good morning, Counsel.

7 THE ATTORNEYS: (Collectively) Good morning.

8 THE COURT: I always like that formal opening which
9 we save for you. Okay.

10 Mr. Esshaki, sorry we didn't --

11 MASTER ESSHAKI: Thank you, Your Honor.

12 THE COURT: -- notify you.

13 The first item on the agenda, the -- do you need
14 places to sit? Are we too full? Okay. Mr. Esshaki.

15 MASTER ESSHAKI: Yes, Your Honor. Thank you very
16 much.

17 I can report to the Court that we are continuing with
18 our discovery motions. I believe things are moving relatively
19 smoothly. We had five matters set for hearing tomorrow. Two
20 of them have been removed from the docket. I think the other
21 three are still scheduled to go. But I don't see any hiccups
22 whatsoever in the procedures and the processes that we are
23 following.

24 THE COURT: Good. Good. Does anybody have any
25 questions or comments on process or procedure with the Master?

1 No.

2 MASTER ESSHAKI: Somebody stand up and saying he's
3 doing not a bad job?

4 MR. FINK: He's the best, Your Honor.

5 THE COURT: Okay. All right. Thank you, Mr.
6 Esshaki.

7 MASTER ESSHAKI: Thank you.

8 THE COURT: All right. The next one, the status of
9 the settlements. First of all, I -- let me say that today Rob,
10 the reporter who is usually here, unfortunately is -- or
11 fortunately because it's to fix a problem with his leg, he's
12 having surgery, so Linda is covering, and I'm going to ask you
13 to make an extra effort to give your name first because she
14 will not know anybody.

15 I want to ask again, who did this today for this
16 time, the status report? Would you please come up and identify
17 yourself for the record.

18 MR. HANSEL: May it please the Court, good morning,
19 Your Honor. Greg Hansel for the direct purchasers.

20 I did not do the status report. My partner Randall
21 Weill did it with everyone in this room all collaborating very,
22 very well.

23 THE COURT: Well, I want to tell you, every time I
24 see it, I'm just amazed. It's -- it's just you've got the
25 format down perfectly, it works really well.

1 I know last time -- this is what I want to really
2 say -- last time I said I couldn't read the headings. Well,
3 it's really totally our fault here because we didn't print it
4 on a colored printer, and when you print it on a colored
5 printer, it is very clear, but when you print it on a black and
6 white printer, it just comes out all black. So I apologize for
7 any comments I said last time criticizing these headings. It's
8 beautiful; just never thought about it.

9 MR. HANSEL: No problem, Your Honor. Thank you.

10 THE COURT: Thank you very much.

11 All right. The status of settlements?

12 MR. BARRETT: May it please the Court, I'm Don
13 Barrett for the auto dealers.

14 MR. WILLIAMS: And good morning, Your Honor. Steve
15 Williams for the end payors.

16 MR. BARRETT: Your Honor, this is the -- the report
17 for the auto dealers and the end payors. We know of 68
18 defendant families. The end payors and the auto dealers have
19 settled fully with 39 of them. There were ten in the first
20 round for the notice round for the auto dealers, ten in the
21 second round, and we have 19 in this current round that we
22 are -- that we're working on now.

23 Of the remaining 29 defendants, we are negotiating
24 with 20 of them. We've gotten nowhere with nine of them.

25 Also, there may be up to four unknown co-conspirators

1 that we are still chasing.

2 As Your Honor knows, the cases are divided by the
3 part involved. There are 39 parts that are being sued on by
4 both the auto dealers and the end payors from the original wire
5 harness case up through the recent access mechanisms cases. Of
6 those 39 cases, the auto dealers and the end payors have
7 settled with all of the defendants in 13 of them. They -- that
8 includes wire harness, fuel senders, bearings, alternators and
9 starters, windshield wipers, motor generators, steering angle
10 sensors, inverters, airflow meters, electric throttle bodies,
11 fan motors, windshield washer systems, and interior trim
12 products. Three of those just within the last -- within the
13 last month with the help of Judge Weinstein. May we add he --
14 he -- we are -- he's done a wonderful job, he's -- he's off to
15 the races.

16 There are an additional 17 parts cases where the auto
17 dealers and the end payors have settled with all but one of the
18 defendants in each of those particular cases. This situation
19 creates a -- a settlement motivation for both sides, and we're
20 currently negotiating with 15 of those 17 defendant holdouts
21 and we are quite hopeful there.

22 There are three cases with two remaining defendants,
23 four cases with three remaining defendants, one case with four
24 remaining defendants, and one case with six defendants. We are
25 talking with at least one defendant in each of those cases. We

1 have three mediations that are currently set and one that's
2 sort of set.

3 And that really is the report. We're looking forward
4 to the help of the facilitator and -- but we're making good
5 progress.

6 THE COURT: Let me, through all those numbers, focus
7 in a little more on the facilitator because I'm interested in
8 how this works.

9 MR. BARRETT: Yes, ma'am.

10 THE COURT: How many mediations for auto dealers and
11 end payors are set now, or facilitations; I don't know what
12 you're calling them.

13 MR. BARRETT: Well, none have been set by Judge
14 Weinstein. We had -- we have three or four that are -- that
15 we've set voluntarily before -- it's in progress -- before
16 Judge Weinstein has done it, but -- so we've got -- that's all.

17 MR. WILLIAMS: And -- and I'm -- I apologize. Steve
18 Williams for the end payors.

19 We -- we -- to add, we do have one set with the
20 facilitator now.

21 THE COURT: Okay.

22 MR. WILLIAMS: So that is upcoming.

23 And in addition, I think all the parties have had
24 separate meetings with the facilitator, have had an opportunity
25 to put their thoughts in with him, and he's putting together a

1 comprehensive plan for all the cases that I understand he'll be
2 reporting to the Court in the next two or three weeks.

3 THE COURT: I don't exactly know how to ask this
4 question but I'll just be blunt. Is this -- I mean I selected
5 that facilitator because both sides had his name and I didn't
6 want to spend any more time so -- but I don't know him
7 personally. I have no -- obviously I looked at a resumé to try
8 and see. But do you feel that this is appropriate or it's
9 going along all right, that he is or does have a grasp on this
10 case?

11 MR. WILLIAMS: Very much so, Your Honor.

12 MR. BARRETT: We -- I agree with that, very much so.

13 THE COURT: Okay. I didn't mean to put you on the
14 spot. It's just that I have -- there's no other way for me to
15 know this except if I just --

16 MR. WILLIAMS: I would say, Your Honor, not only does
17 he have a grasp on the case, he's now done mediations in the
18 case, but he has a team, an administrative team, that's --
19 that's taking care of all the coordination, scheduling, making
20 sure all the parties are getting onto the calendar with his
21 team. So I think both from the substantive side and from the
22 administrative side he's bringing the tools that we all need to
23 hear.

24 THE COURT: Good, glad to hear that. Okay. Thank
25 you very much.

1 MR. WILLIAMS: Thank you, Your Honor.

2 THE COURT: All right. Let's deal with the direct --

3 MR. KANNER: Your Honor, if I may.

4 THE COURT: Yes.

5 MR. KANNER: Good morning, Your Honor. Steve Kanner
6 on behalf of direct purchaser plaintiffs.

7 We do have some more news. We're pleased to advise
8 the Court that we have a couple of additional settlements. At
9 this point they are not papered yet, but we're in the process
10 of working out the language of the settlement agreements.

11 One is with MELCO, and that covers wire harness,
12 alternators, HID ballast, fuel injection systems, ignition
13 coils, starters, and EPSA, which is electronic power steering
14 assemblies.

15 The next settlement I'm pleased to advise the Court
16 of is in the EPSA case, and that is with Yamada, and Yamada's
17 counsel is here today, Mr. Barnes, and we're also in the
18 position of papering that agreement. We hope by -- certainly
19 by the next hearing we should have motions for preliminary
20 approval before Your Honor.

21 With respect to motions for preliminary approval, we
22 appreciate the fact, greatly appreciate the fact that the order
23 has -- that the Court has entered a number of those on our
24 pending cases in the last -- really the last week or so. We
25 are still hoping to find the ruling approving the preliminary

1 motion for settlement in Yazaki for the fuel senders case. You
2 granted it in wire harness and IPC, instrument panel clusters,
3 but not yet in fuel senders and LEONI, which was just filed
4 last week.

5 THE COURT: Okay. And -- and I do most of those now
6 just on the pleadings. Does anybody have any problem with
7 that? As I read them and they become repetitive, it's like --

8 MR. KANNER: No, I agree, they are fairly standard in
9 that sense. I have no problem with ruling on the pleadings. I
10 don't -- I wouldn't imagine the defense would, but -- since it
11 is a settlement and they're aware of the papers that are filed.
12 So certainly from the direct purchasers' standpoint, we have no
13 issue with that.

14 THE COURT: Okay. I -- I would say to anybody if
15 there's a settlement, any party, and they want to come in to
16 put it on the record formally as opposed to the pleadings, you
17 just need to ask. I'm just doing this. Most of these we have
18 had requests not to do -- you know, to do it on the submission
19 as opposed to a hearing. So -- but just to make it clear, it
20 could go either way.

21 MR. KANNER: Very well, Your Honor.

22 There is one other matter I'd like to bring to the
23 Court's attention.

24 THE COURT: Okay.

25 MR. KANNER: I believe we've had on file for quite

1 some time now our motion for distribution in the occupant
2 safety system case, and that -- if I'm not mistaken, that would
3 be the first of the auto parts cases that actually distributes
4 funds to the class members. We've had that on file for a while
5 and --

6 THE COURT: Wait a minute. When was that filed, do
7 you have any idea?

8 MR. KANNER: I don't -- months ago.

9 THE COURT: Molly, do we have that?

10 MR. KANNER: And -- and I know actually some of the
11 larger class members, the OEMs, are asking us when they can see
12 their funds. So we -- we would love to distribute --

13 THE COURT: I -- I -- there is some problem there. I
14 don't know that I have that. Hold on, we will check the docket
15 for that because I thought we had --

16 MR. KANNER: I believe it is on -- and -- and
17 certainly, Your Honor, as soon as we leave, I can have someone
18 in my office or one of my colleagues send you the copies
19 that -- on the date it was filed.

20 THE COURT: Yes, if you would do that, send it to
21 Molly, and we will check that out right away. I mean we're
22 always looking for the easy motions, so -- so you know that we
23 would have been looking at that one and I don't -- I don't have
24 it down.

25 MR. KANNER: I -- I -- I believe you. That's

1 low-hanging fruit, and -- and -- and as I said, it's nice -- we
2 want to distribute the money.

3 THE COURT: So -- so you are -- you are actually
4 going to start distributing, and this is the first time that we
5 have distributed any money?

6 MR. KANNER: It is, Your Honor.

7 THE COURT: Interesting. Okay.

8 MR. KANNER: Okay. As I understand, it was filed not
9 months ago; about a -- about a month ago, February 14th.

10 THE COURT: Okay. Thank you. I -- I tell you I
11 haven't seen it so I -- we'll make sure to look for that.

12 MR. KANNER: We'll make sure you have a copy of that
13 shortly after.

14 THE COURT: Okay. And -- all right. So for the
15 directs with the distribution, it's easier because you know
16 who -- who they are as opposed to --

17 MR. KANNER: We do.

18 THE COURT: -- our -- I guess the end payors are the
19 most unknown but -- all right. Thank you very much.

20 MR. KANNER: Thank you, Your Honor.

21 THE COURT: And thank you for bringing that to my
22 attention.

23 MR. KANNER: Thank you.

24 THE COURT: I -- before we go on with the directs, I
25 just have one other question. Mr. Fink, I just heard, was

1 there another part filed recently? I don't have it that I
2 know.

3 MR. FINK: We -- we just filed on small bearings. In
4 fact, Mr. Kohn was just going to speak to that.

5 THE COURT: Okay. Thank you.

6 MR. KOHN: Good morning, Your Honor. Joseph Kohn,
7 K-O-H-N, Kohn, Swift and Graf for the direct purchasers.

8 Two additional settlements to report, including the
9 most recent case that Your Honor just -- just mentioned. In
10 the bearings, principal bearings case, direct purchasers have
11 reached a settlement, executed a settlement agreement with the
12 Schaeffler defendants, and we anticipate the motion for
13 preliminary approval, which will be in the standard form,
14 should be filed within the next week to ten days.

15 Secondly, we have reached a settlement with Minebea
16 Mitsuma, which is a -- was named in a bearings case. A motion
17 was filed by that defendant. At that point we voluntarily
18 withdrew the case against that defendant and pursuant to a
19 tolling agreement have been involved in negotiations. We have
20 now reached and executed a settlement agreement and filed a new
21 Complaint. That is Case No. -- a February 17 case -- 10853.
22 It was assigned to Judge O'Meara, and we have filed a motion
23 with -- with that Court to have the matter transferred to this
24 Court where it would be related to the Case No. 15-cv-13945,
25 which was a matter, Bearing Services, Inc. versus NSK. So that

1 is what we've --

2 THE COURT: Why do I have a case that's been settled?

3 MR. KOHN: We have to have a Complaint on file to --
4 to settle it. We had a Complaint, we were in a negotiation.
5 Whether it's viewed as an Amended Complaint --

6 THE COURT: That's a really nice way to file them, I
7 like that.

8 MR. KOHN: That's my favorite way.

9 THE COURT: Okay.

10 MR. KOHN: We'd like a few more of those but...

11 THE COURT: Okay.

12 MR. KOHN: So that those two -- two matters, and I
13 believe that was all I had.

14 And simply echo what our colleagues in the indirect
15 purchaser cases have said with respect to the settlement
16 mediator. We have had a meeting, we believe those matters are
17 getting scheduled, and we're very satisfied with the way that
18 process is moving.

19 THE COURT: Thank you. I appreciate that comment.

20 MR. KOHN: Thank you.

21 THE COURT: Oh, just one minute, Mr. Kohn. Molly
22 reminds me you don't need to file a motion; in fact, you
23 probably shouldn't.

24 MR. KOHN: I think I may have said it with a little
25 more formality. A request has been made.

1 THE COURT: Yeah. And we'll actually call them and
2 say give us the case. Okay.

3 MR. KOHN: Thank you.

4 THE COURT: Although when they see these cases, they
5 want to get rid of them right away, so we can handle that. He
6 must have been on vacation, I don't know. Okay.

7 MR. MC CONNELL: Good morning, Your Honor. Sean
8 McDonnell from Duane Morris on behalf of truck and equipment
9 dealer plaintiffs.

10 We're happy to report that in the bearings case we've
11 reached a settlement with the NSK defendants. We'll be
12 finalizing that agreement and getting the preliminary approval
13 motion on file hopefully before the next status conference.

14 THE COURT: Okay.

15 MR. MC CONNELL: Thank you.

16 THE COURT: And this afternoon we have that hearing,
17 final approval for TED and --

18 MR. MC CONNELL: Yes, at 2:30 this afternoon, Your
19 Honor.

20 THE COURT: Yeah, okay. Okay. Does anybody else
21 have any comments or questions on settlements and/or the
22 Special Settlement Master? All right.

23 There are -- the next thing are these two motions,
24 which I know at least as to one, you were hoping to get it on
25 today, but we are getting backed up with motions and we need

1 to -- I don't like that. We need to get these things all out.
2 So I don't want to start doing these. I don't think it's going
3 to hold up anything too much to put them off just a little bit
4 so that we can work on other motions that we have.

5 For the Furukawa, that's A for the second amended
6 motion, who's here on that one? Could you come down?

7 MR. GANGNES: Good morning, Your Honor. Larry
8 Gangnes from Lane Powell for the Furukawa defendants.

9 MR. CALDES: Yes, good morning, Your Honor. William
10 Caldes for the direct purchasers.

11 MR. GANGNES: And we've agreed with the direct
12 purchasers the motion should be ready for hearing before the
13 Court at the next status conference on June 7th.

14 THE COURT: June?

15 MR. GANGNES: June 7 I believe is the next --

16 THE COURT: No, I think the next one is May. Wait a
17 minute, let me just get my other calendar out here.

18 (Brief pause)

19 Let's see. You're right, it is June the 7th. Okay.
20 All right. I think then that we can do that on June the 7th.
21 I think that would be a good date.

22 MR. GANGNES: Great. Thank you, Your Honor.

23 MR. CALDES: Okay. Thank you, Your Honor.

24 THE COURT: And then for ceramic substrates?

25 MR. KESSLER: Good morning, Your Honor. Jeffrey

1 Kessler from Winston and Strawn representing the Corning
2 defendants in this motion.

3 MR. OCHOA: Omar Ochoa with Susman Godfrey for the
4 end payor plaintiffs, Your Honor.

5 MR. MEISNER: And Stephan Meisner from McDermott,
6 Will and Emery for the NGK Insulators defendants.

7 THE COURT: Okay. We were looking at this one, and I
8 think we could do this, rather than waiting til June, sometime
9 in April, is that -- is that a --

10 MR. KESSLER: That would be very satisfactory to us,
11 Your Honor.

12 THE COURT: Okay.

13 MR. KESSLER: We can just pick a date.

14 THE COURT: Let's pick a date right now, yeah. I
15 would like to look at some date after the 12th if that's
16 possible.

17 MR. KESSLER: The week of the 17th, Your Honor, so
18 one day that week would be convenient for the Court?

19 MR. MEISNER: That would be after Easter?

20 MR. KESSLER: Yes, that is after Easter.

21 MR. MEISNER: Yeah.

22 MR. KESSLER: So the -- perhaps the 18th or the 19th?
23 I don't know what the Court's calendar looks like.

24 MR. OCHOA: Your Honor, we --

25 THE COURT: We have a fairness hearing in the

1 afternoon. Is that what you were going to say?

2 MR. OCHOA: Yes, Your Honor.

3 THE COURT: I'm sorry.

4 MR. KESSLER: On which -- which day?

5 MR. OCHOA: On the 19th.

6 THE COURT: On the 19th, yeah.

7 MR. KESSLER: So should we do it either before or
8 after that?

9 THE COURT: So why don't -- yes, why don't we just do
10 it then. I -- I don't know if there's any objections to that;
11 there may be, I don't know.

12 MR. OCHOA: There are, there are objections, Judge.

13 THE COURT: That's what I thought, that was the one.
14 Okay. So that might take a little time. So let's do it --
15 that's at 2:00. You want to do it like at 1:00 or you want to
16 do it in the morning? I'm free, so the morning would
17 probably --

18 MR. KESSLER: The morning would be preferable, at
19 least for my schedule, Your Honor, but it's up to the Court.

20 THE COURT: Why don't we do it in the morning, say
21 10:00 o'clock?

22 MR. KESSLER: Very good. Thank you.

23 THE COURT: So that would be April 19th?

24 MR. KESSLER: Yes.

25 THE COURT: At 10:00 o'clock. Okay.

1 MR. KESSLER: Okay. Thank you very much.

2 MR. MEISNER: Thank you very much.

3 MR. OCHOA: Thank you very much.

4 THE COURT: Okay. Then our next two status
5 conferences, we've got June 7th and September 13th. We should
6 probably go on and pick the December one then.

7 MASTER ESSHAKI: Your Honor, could we set June 6th
8 and September 12th for the motion hearings for the Master?

9 THE COURT: Okay. Let me just look here. June 6th.
10 Okay. June 6th is fine for the Master's motions. And
11 September 13th, September 12th would be fine. Okay. So we
12 have June 6th and June 7th and September 12th and
13 September 13th.

14 And then going on to set December, I will say
15 December 6th. Anybody have any -- is there anything going on
16 that we know of now for December 6th? Okay. We'll do that
17 December 6th.

18 MASTER ESSHAKI: And a motion on December 5, Your
19 Honor?

20 THE COURT: And motions December 5.

21 MASTER ESSHAKI: Thank you, Your Honor.

22 THE COURT: Okay. Is that it? Anything else
23 that any -- any other matters anyone wants to bring up? Is
24 this the shortest in history meeting that we have ever had?

25 Okay. I will just say to you thank you all for

1 coming in. We do have the fairness hearing coming up this
2 afternoon. We can't change the time of that so we'll have to
3 wait on that.

4 And I do want to reiterate that I appreciate the
5 professionalism with which you are handling this case, and the
6 reports I get back from the Masters are very positive in your
7 professionalism, and I really think that that is something that
8 needs to be applauded, particularly in today's day and age.

9 So I thank you and we'll see you then at whatever
10 hearings you have for the next meeting. Thank you.

11 THE ATTORNEYS: (Collectively) Thank you.

12 THE LAW CLERK: All rise. Court is adjourned.

13 (Court in recess at 10:31 a.m.)

14 — — —

15

16

17

18

19

20

21

22

23

24

25

C E R T I F I C A T I O N

I, Linda M. Cavanagh, Official Court Reporter of the United States District Court, Eastern District of Michigan, appointed pursuant to the provisions of Title 28, United States Code, Section 753, do hereby certify that the foregoing pages 1 through 31 comprise a full, true and correct transcript of the proceedings held in the matter of Automotive Parts Antitrust Litigation, Case No. 12-2311, on Wednesday, March 22, 2017.

s/Linda M. Cavanagh
Linda M. Cavanagh, CRR, RMR, RDR
Federal Official Court Reporter
United States District Court
Eastern District of Michigan

Date: April 3, 2017
Detroit, Michigan